

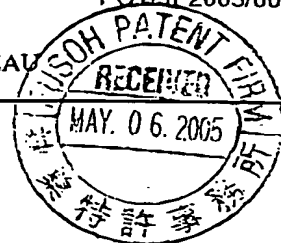
# PATENT COOPERATION TREATY

PCT/IP2003/001193

From the INTERNATIONAL BUREAU

## PCT

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT  
(PCT Rule 72.2)



To:

INAGAKI, Kiyoshi  
c/o FUSOH PATENT FIRM.  
Rindo Building 5F, 37, Kanda-Higashimatsushita-cho  
Chiyoda-ku, Tokyo 101-0042  
JAPON

Date of mailing (day/month/year) 28 April 2005 (28.04.2005)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference 02403(PCT)	
International application No. PCT/JP2003/001193	International filing date (day/month/year) 05 February 2003 (05.02.2003)
Applicant NEC CORPORATION et al	

### 1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

### 2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CN, EP, KR

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

SG, US

### 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Masashi Honda
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 70 10

# PATENT COOPERATION TREATY

PCT/JP2003/001193



Translation

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 02403(PCT)	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/001193	International filing date (day/month/year) 05 February 2003 (05.02.2003)	Priority date (day/month/year) 07 February 2002 (07.02.2002)
International Patent Classification (IPC) or national classification and IPC G11B 7/0045, 7/125		
Applicant NEC CORPORATION		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>8</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input checked="" type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input checked="" type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 05 February 2003 (05.02.2003)	Date of completion of this report 31 October 2003 (31.10.2003)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/001193

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 1-9, 11-12, 14-27, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages 10, 13, filed with the letter of 18 July 2003 (18.07.2003)
- ☒ the claims:  
 pages 7, 12-13, 16, 19, 21-23, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages 1, 3-6, 8-10, 14, 17-18, 20, filed with the letter of 18 July 2003 (18.07.2003)
- ☒ the drawings:  
 pages 1-17, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☒ the claims, Nos. 2, 11, 15
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under Item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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## IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

See supplemental sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos. \_\_\_\_\_

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Supplemental Box  
(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV.3

Claims 1 and 17 pertain to inventions that subject the sampled values from a sampled reproduction waveform to linear interpolation using timing whereby either the R1 value or the R2 value is maximized.

Claims 4 and 5 pertain to inventions that evaluate linearity by means of a pulse response with a length of  $15T$  or more.

The inventions above cannot be considered to be a single invention; nor can they be considered to be a group of inventions so linked as to form a single general inventive concept.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1, 3-10, 12-14, 16-23	YES
	Claims		NO
Inventive step (IS)	Claims	1, 3-10, 12-14, 16-23	YES
	Claims		NO
Industrial applicability (IA)	Claims	1, 3-10, 12-14, 16-23	YES
	Claims		NO

### 2. Citations and explanations

Document 1: JP 2001-126260 A (NEC Corp.), 11 May 2001  
 Document 2: JP 11-126433 A (Sharp Corp.), 11 May 1999  
 Document 3: JP 9-63056 A (Matsushita Electric Ind. Co., Ltd.), 07 March 1997  
 Document 4: JP 2002-25060 A (Sharp Corp.), 25 January 2002

Documents 1-4 define the general state of the art in the technical field in question; however, the inventions that are set forth in claims 1, 3-10, 12-14 and 16-23 are not disclosed in any of the documents that are cited in the international search report, and are not obvious to a person skilled in the art.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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## VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The disclosure of claim 14 is unclear, and is not fully supported by the disclosures in the description.

Claim 20 sets forth a recording and reproduction device; however, claim 20 cites claim 16, which sets forth a recording and reproduction method. Therefore, the disclosure of claim 20 is unclear.